

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN CHARLES SUTHERBY and  
SHERI M. FRICKE BAKER,

Plaintiffs,

v.

Case Number 23-13112  
Honorable David M. Lawson  
Magistrate Judge David R. Grand

CITY OF SOUTHGATE, LAURA  
WINEGARDEN, MATT VITITOE,  
JONATHAN B.D. SIMON, JAMES WASKE,  
BEN GONEK, and MDOC,

Defendants.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**  
**AND DISMISSING THE COMPLAINT WITH PREJUDICE**

Presently before the Court is the report issued on January 25, 2024 by Magistrate Judge David R. Grand pursuant to 28 U.S.C. § 636(b) recommending that the Court dismiss the complaint on its own motion for failure to plead any viable claim for relief. The deadline for filing objections to the report has passed, and no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the report and recommendation (ECF No. 7) is **ADOPTED**, and the complaint is **DISMISSED WITH PREJUDICE**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: February 22, 2024